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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,676	03/15/2002	Jeremy P.J. Hughes	GB920010032US1	5691
46320 7590 01/08/2008 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487			EXAMINER SHAW, YIN CHEN	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/098,676

Applicant(s)

HUGHES ET AL.

Examiner

Yin-Chen Shaw

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 17, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 2-16 and 18-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's appeal brief filed on Oct. 17, 2007 has been fully considered. Claims 1-34 have been examined and are currently pending.
2. In view of the Appeal Brief filed on Oct. 17, 2007, PROSECUTION IS HEREBY REOPENED. In view of Applicant's argument that the combination of Muret and Obata fails to teach the limitation, "in response to said monitoring step, invoking at least one of a plurality of pre-defined rules to control said behaviour of said identified software agent" in independent claims 1, 17, and 33-34 and the combination is not within the same field of endeavor is found persuasive. A new ground of rejections is set forth below with the newly cited references by Freeman (U.S. Patent 6,330,588) in view of Najork et al. (U.S. Patent 6,263,364). To avoid abandonment of the application, appellant must exercise one of the following two options:
 - (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
 - (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 17, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman (U.S. Patent 6,330,588) and further in view of Najork et al. (U.S. Patent 6,263,364).

a. Referring to Claims 1, 17, 33, and 34:

As per Claim 1, Freeman discloses a method of controlling access to information in a distributed data processing system **[(lines 65-67, Col. 1 and lines 1-2, Col. 2 from Freeman)]** having:

a server for storing said information, wherein said server further comprises a logging tool for creating a log file **[(lines 33-48, Col. 18 from Freeman)]**, and a client computer comprising an application program for controlling a software agent, wherein said software agent requests said information from said server **[(lines 10-20, Col. 18 from Freeman)]**, said method comprising the steps of:

identifying a software agent **[(lines 17-37, Col. 8 from Freeman)]**;

in response to said identifying step, storing all requests from said identified software agent in said log file **[(lines 21-22, Abstract; lines 39-46, Col. 3; lines 6-10, Col. 10; lines 18-20 and 23-32, Col. 12 from Freeman)]**;

in response to said analysing step, monitoring behaviour of said identified software agent **[(lines 47-50, Col. 9; lines 41-67, Col. 10; lines 1-12, Col. 11 from Freeman)]**, and in response to said monitoring step, invoking at least one of a plurality of pre-defined rules to control said behaviour of said identified software agent **[(lines 50-62, Col. 11 from Freeman)]**.

Freeman does not expressly disclose in response to said storing step, analysing said log file. However, Najork et al. disclose in response to said storing (written to a file) step, analysing the elements in the file **[(lines 56-59, Col. 7 from Najork et al.)]**.

Freeman and Najork et al. are analogous art because they are from similar technology relating to the software agent for information accessing and crawling. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine Freeman and Najork et al. since one would have been motivated to have the tools included in web crawler to determine how many records of information to

retain for each URL and when to delete records of information (lines 18-27, Col. 4 from Najork et al.) for the log file. Therefore, it would have been obvious to combine Freeman with Najork et al. to obtain the invention as specified in Claim 1.

As per Claim 17, it is a system claim that corresponds to the method Claim 1. Therefore, it is rejected with the same rationale applied against Claim 1 above.

As per Claim 33, it is a distributed data processing system claim that corresponds to the method Claim 1. Therefore, it is rejected with the same rationale applied against Claim 1 above.

As per Claim 34, it is a computer readable medium claim that corresponds to the method Claim 1. Therefore, it is rejected with the same rationale applied against Claim 1 above.

Allowable Subject Matter

1. Claim 2-16 and 18-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Dattatri (U.S. Patent 6,658,453) discloses a server agent system that provides agents, transmitted to a server by a client, that monitor specific event(s) on the server. When a pre-defined event(s) occurs, an agent performs a set action(s) in response to each event. The actions are predefined by the client. The agent requires no further intervention of the client once it is placed on the server and are created by a client or news reader and, when created by a news reader, agents are treated as a value added service provided by the application. The types of actions that an agent performs can be almost anything that the client desires and include the execution of Java and/or Javascript programs which are supplied by the client or the server. An agent's events and actions are subject to the same access control security restrictions as the client that submitted the agent. The types of agents available on a server are pre-defined and are supplied as agent templates and are building blocks for the client to build agents with. A server can only supply agents that it understands and publishes the available agent templates and events on an agent home page where clients select from the list of agent types available on the server and submit an agent to the server. Servers also provide

administration services for clients with resident agents where they monitor and manage their agents on the server. Each agent is assigned a unique identifier and token by the server. Names can also be assigned to an agent by the client. Server administrators are provided with an administration function to maintain and manage agents resident on that server. Agent objects are created on the server that uniquely identify that agent which is mapped to the proper event and is triggered upon occurrence of that event. When the agent is triggered, its action list is processed, executed and agent information and statistics are logged.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yin-Chen Shaw whose telephone number is 571-272-8593. The examiner can normally be reached on 8:30 to 4:30 M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

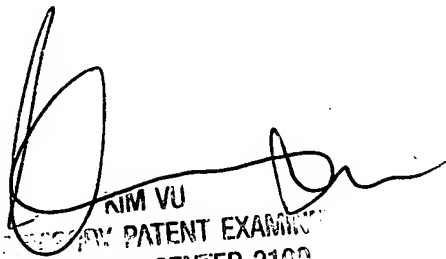
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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197
(toll-free).

YCS

Jan. 04, 2008



KIM VU
PATENT EXAMINER
EBC CENTER 2100